THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.6349 and 11860 of 2006

Dated:10.07.2006

WRIT PETITION No.6349 of 2006

Between:

Smt.D.Uma Naveena and another.

…Petitioners

and

The Govt. of A.P., rep.by its Collector, Krishna District, Vijayawada, and others.

…Respondents

WRIT PETITION No.11860 of 2006

Between:

Ede Sambasiva Rao and others.

…Petitioners

and

The District Collector, Krishna District, and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.6349 and 11860 of 2006

COMMON ORDER:

The controversy in these two writ petitions is about a railway track laid in R.S.No.109 admeasuring Ac.0.92 cents in Uppaluru Village, Kankipadu Mandal, Krishna District. Therefore, these writ petitions are being disposed of by this common order.

The petitioners in W.P.No.6349 of 2006, who are shown as respondent Nos.5 and 6 in W.P.No.11860 of 2006 filed the writ petition alleging that the Mandal Revenue Officer, Kankipadu, barred access to them from using the railway track from their warehouses constructed in their land as illegal and arbitrary. In brief, it is their case that they constructed warehouses, and under an agreement leased out them to the Andhra Pradesh State Warehousing Corporation for a period of three years and so as to facilitate the movement of the goods like boiled rice from the railway station warehouse, they obtained necessary permission from the Uppaluru Gram Panchayat and laid a railway track across their land. They further allege that on 23.03.2006 the Mandal Revenue Officer, Kankipadu, without any notice and without following principles of natural justice came to the warehouses and put up barricades across the railway tracks preventing the petitioners from using the railway track for transporting the goods from warehouse to the railway station. They contend that the Mandal Revenue Officer's action is highly arbitrary and illegal.

Four of the villagers of Uppaluru filed W.P.No.11860 of 2006. On a representation given by the villagers, the Mandal Revenue Officer inspected the site and submitted a report to the Revenue Divisional Officer, Vijayawada. In the report, the Mandal Revenue Officer alleged that the petitioners in W.P.No.6349 of 2006 laid the railway track in the Government poramboke land without obtaining the permission of the Panchayat Secretary, that the Officials of the Railway Department

erected barricades with girders, and that if the railway track is allowed to be laid in the Government poramboke land with girders it would deny access to the villagers to go to their agricultural lands, and therefore, the Mandal Revenue Officer requested the Revenue Divisional Officer to take necessary action in the matter. Based on such report, the villagers seek a direction to the Revenue Divisional Officer to take action as per the report of the Mandal Revenue Officer.

There is no dispute that the owner of the warehouses constructed a railway track, a part of which passes on the Government poramboke land in R.S.No.109. Therefore, the further dispute is as to whether the land on which such railway track is laid, is the only access to the villagers to go to their lands and whether such access would be denied to them if barricades are placed on the pathway. After inspecting the area, the Mandal Revenue Officer has already submitted a report, and therefore, it would be better if the Revenue Divisional Officer decides the matter after conducting the enquiry. Needless to mention that any enquiry by the Revenue Divisional Officer should be conducted after giving notice to the owners of the warehouses as well as the villagers who are represented by the petitioners in W.P.No.11860 of 2006. This exercise may be completed within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petitions, with the above observations and directions, are accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

10.07.2006
vs